

~~Sept 30 2020~~
Oct 6, 2020

Final Reply
Brief

#54258-7-II
#55021-1-II

Deansrrs: [redacted] to Personal Restraint Petition

At this time I would like to make request for [redacted]
[redacted] File [redacted] Final Response [redacted] briefs 7110# and 6671 to personal
restraint petition.

Francis J. Balcer

These are testimonials and witness statements to show
fictitious procedures. And request for remand for new
trial.

As discussed between me (Sam Weaver), Lisa Wood private investigator
and trial attorney Ron Sergi. It was agreed prior to trial that Wood
and Sergi were to conduct interviews and collect statements from
Nathan Datas (my accuser) for him to describe the knife and purported
gun. I have written Lisa Wood numerous letters to question why
she did not do this as agreed, and no response has been received.
Also Ron Sergi will not respond with answers. I know why this
happened this way. I was sold out. I know how the trade off deals
work.

RP 143 trial testimony transcript. Weaver denied opportunity to
cross examine Datas (my accuser) as to the unique identity of
the physical evidence items knife/gun before being shown to Datas.
Since he did state that he "clearly" could see the knife/gun,
disregard for rules of evidence.

RP 88 trial transcript testimony. So the Courts going to deny that motion. I
think that the issues presented by the defendant if they are important
to the defendant can be certainly drawn out during cross examination.
Denied right to cross examine my accuser. Denied motion in limine.
RP 149 Datas states helping other customers at the time in the store.
RP 195-197 Christen states helping other customers at the time, helping a customer.
RP 130 Shanna Horn states other customers in the store. (over)

RP 165 sent 24-25, RP 166 sent 1-25 trial testimony transcript.

A. Mercado Q. is there a reason why you didn't interview the others?

A. No particular reason.

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section
202th

Case 55021-1-II

Personal Restraint Petition, Final reply 10-06-20

On Aug 6th 2019 Mr Weaver entered the napa auto parts store to borrow a wrench to drain an overfilled motor oil in a woman's car he had just met that day. (Snyder). Weaver began an inquiry as to which employee sold and/or filled the woman's car's motor oil. Weaver approached Christopher Shammern because he was the only available employee at the time as Nathan Datus admits other customers in the store at the time.

RP149 sent 2-3 trial transcript testimony (and we did have other customers in the store when he came in). 'Datus'

RP130 sent 4-5 trial transcript testimony. Shammern admits other customers in the store. (Q okay there were other customers there too, I'm sure? A. Yes)

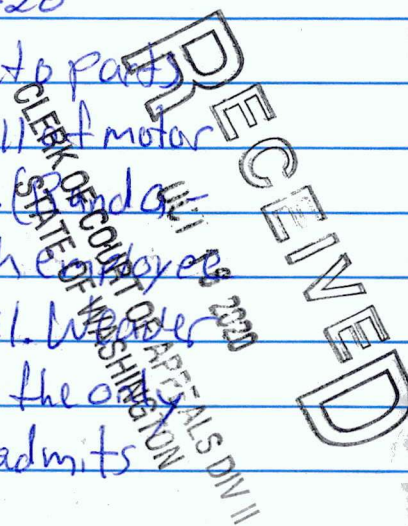
RP197 sent 20-21 Christen trial transcript testimony. (But I was obviously - I was helping other customers as well) sent 14 (No I never saw it out of the sheath) sent 24 (No, I never saw the knife out of the sheath).

RP118 sent 13-14. Shammern admits did not see knife. Q Did you see him holding anything? A. no

RP166 sent 13-15 trial transcript testimony. Detective A Mercado, Q. (but is there a reason why you didn't interview the others?) A. no particular reason.

RP166 sent 3-10 trial transcript testimony. Mercado. Q: would it have been your practice to ask folks if they saw anything? A. Absolutely. Q And so there was the two employees. Are you aware of whether or not there was other employees there? A. There was other employees there. Q. and did you interview them? A. no I did not

(over)



Ref: Dep Willard 1405[#] Declaration of probable Cause Aug 16th 2019, 9:53pm. Weaver unsheathed a large knife from his side and held it up in front of him between he and Datus the clerk in a threatening manner as he was screaming at them. Weaver was told by a number of employees to put the knife away and to leave the premises. (No statements or testimonies from other employees or patrons about this. This is because Datus told this to me to do in Secluded Confidence. Next charges opposite.

Ref: Lisa Wood, wed, Aug 21st 2019 5:13pm. "Datus", (never verbally or physically threatened anyone) with it.

Ref: Lisa Wood, tues, Sept 24th 2019 12:24pm. "Christer" says. He never saw the knife out of the sheath. He never verbally threatened anyone that he was going to use the knife. Never held it up to anyone.

RP 148 sent 19-20 trial testimony transcript. "Datus". A. Coming into our store, threatening our employees is what he --.

See, Datus can't remember what he said before this. Very poor liar.

RP 134 sent 17-19 trial transcript testimony (Datus) Q. Where were you when he (weaver) came in? A. I was on the front counter ready to clock off and go home. See diagrams, pictures, video recording. Punch clock is 20 feet away opposite of 4' foot high counter away from weaver. While Christer and Shannhorn are standing opposite weaver as well at the same time.

RP 147 sent 10-12 trial transcript testimony. A. the best description from almost twenty feet, yeah. Q and you - you said your vision was 20%? A. yeah

Ref: Lisa Wood wed, Aug 21st 2019 5:13pm. Datus states that he came up to the counter where the register is which is about
(next)

202#

4' feet tall. At this time Nathan is standing about 18' feet from Sammy,

RP137 sent 18-23 trial transcript testimony. (Datus) Q So about how far was it from you between you and Mr Weaver? How, how - what kind of distance is that? A. probably about twelve feet, fourteen feet. Q Hows your eyesight? A. 3/80

Again Datus lying, distance from 20' feet to 18' feet to 12'-14' feet. He can't keep his lies consistent enough to make sense.

Ref: hisa wood Aug 28th 5:09 pm (Shamhorn) says he did that to keep Sammy there so the police would catch him). Does not make sense. poor assimilation into conspiracy. Didn't ever know weaver had a knife on him until he left.

RP131 sent 14-17 trial testimony transcript. "Shamhorn" I didn't want to escalate the situation. I figured if I tried to help him resolve the situation in a peaceful manner that nobody would have been harmed.) Again this doesn't make sense does it? Shamhorn knew nothing of a knife until weaver left. Poor assimilation to the conspiracy. Conversation cordial

RP189 sent 13-16 trial transcript testimony. Farlow says: "trying to talk to him to keep the situation from escalating?" Again even Farlow knows nothing about a knife. Poor assimilation to the conspiracy.

RP191 sent 10-11 trial testimony transcript. Q Does that make a lot of sense to you? A. No. (Farlow)

RP125 sent 19-24 trial testimony transcript. "Shamhorn" Q the

conversation that Mr. Weaver had on the phone with Mr. Farlow, the manager -- A. yes Q. Was it Cordial or was Mr. Weaver yelling or ranting? A. No, it seemed cordial, RP 88 sent 21-24 trial transcript testimony ("So the Courts going to deny that motion. I think that the issues presented by the defendant can be certainly drawn out during cross-examination") This was motion in limine request to cross examine Datus as to the articulate identity features of the physical evidence items that Datus so adamantly and reverantly proclaimed to his personal eye witness observations. Had this motion in limine not been denied, Datus would not have been able to describe those physical evidence items as they were never displayed to him before trial. This is disregard for rules of evidence.

RP 132 sent 12-13 trial transcript testimony, Shammhorn testifies "that day he was in the parking lot that my manager had come back but he was already gone. This is another perjured statement from Shammhorn, Weaver was simply parked in the parking lot that day. And had no interactions with the Napa store that day.

The female weaver was mentioned with on Aug 6th 2019 is now available for testimony. Her name is Randa Snyder and she will be corroborating Weaver's testimony. This Court exhibited distinct radical demonstrations and performances of prejudice, discrimination and bias behavior when it denied Weaver's request for motion in limine, Rules of evidence of right to cross examine (Next)

202#

datus, his accuser as to the distinct identity of the physical evidence items prior to displaying to datus at trial.

Also these following statements by mason County prosecution reflect pure images of prejudice, bias and discrimination, Judicial misconduct, malicious prosecution, non-Constitutional error and Complete miscarriage of Justice.

RP219 sent 18-20 trial testimony transcript (Prosecutor richards)

Q. okay you said you were never physically removed but you said at some point, I think your testimony that you were walked out of the store by Kaufman

Untrue. This is perjured and malicious statement made by prosecutor richards to incriminate weaver in front of the jury.

RP 186 sent 12-14 trial transcript testimony (Kaufman's perjured testimony)

"I had him pick up his backpack and escorted him out the door with my hands after he was asked to leave thirty times." if Kaufman would have touched me "with his hands" it would have been the last time, if you know what I mean?

Therefore what he claims is his perjury.

RP 182 sent 12-13 trial testimony transcript (Kaufman) Q. And did you have any contact with him? A. I did not.

RP 312 sent 23-25 trial transcript testimony, prosecutor richards (Mr weaver has basically made it a point to alienate almost every single business in bellfarr. He trespassed from numerous places and now he's trespassed from this place. Pretty soon he's going to have

(OVER)

no place left to go. This is perjury and malicious action to denounce weaver publicly.

RP 226 sent 16 trial testimony transcript (QTS, is the is it on the street?). This very well appears to be a slenderous implication/insinuation of Homelessness, street person. This in itself is prejudicial, discriminating and bias.

I am now on the verge of losing my home that I own / owned outright due to this Sickening Side Show of liars and manipulators. I have no idea who this Nathan Daniel character is other than I know he is a sick and demented bad liar, and how he can convince anybody of this whole ridiculous fantasy of his simply has me in shock and awe as Daniel's co-conspirators are making lame attempts to co-join in his perjury. They all are doing a very poor dis-organized theory of their allegiance to save face while still exposing their lame attempts to make truth out of their scattered perjuries.

The many parts of this conspiracy to perjure are not aligning whatsoever.

When the testimony of Randa Snyder and exposure of the photos and video of the geographical area's are revealed, the true and obvious perjury of Daniel's will be fully exposed in truthful reality.

The trial video should also be viewed and observed for the very exposing and Critique of Daniel's and Sharnetham's nature's of demeanor and arrogant display white perjury.

(next)

This docudrama that i now possess will reveal total dictations.

Weaver has shown in this brief and brief Section 7110# that his defense Counsel was inadequate and ineffective in trial procedure, and in sharing and volunteering to weaver as should have appropriately been done.

Showing weaver all of the proper evidence available at the time of trial in the possession of his attorney. Weaver on his own persistence and vigilance has acquired all of this previously withheld evidence/information contained in this brief and brief Subsection 7110#

As well as graphics, photographs and video. At this time weaver is properly and effectually prepared for a fair and proper trial. Therefore weaver makes request for removal of new trial.

And has located and made available Concurring defense witness Randa Snyder the woman weaver came to that napa auto parts store with Aug 6th 2019. Detective A Mercedo showed improper and unprofessional deployment of law officers duty to fully investigate and collect all appropriate witness statements testimonies as required to his duty to investigate. This behavior bears prejudice, discrimination and bias in not properly discharging his professional / official duty requirements. This shows defective and improper law officer's performance of mandatory professional conduct.

Weaver Shows reasonable amount of new discoveries of

(over)

evidence previously withheld from him. As you will see in this final brief all the many contradictions in statements and testimonies create new annals of discovery. Within or beyond the breadth of Mason Counties extrapolates to maintain and persist in the perfection of the burglary and harassment crimes the evidence or rather lack of evidence does not show sufficient Supplication to allow this degree of crimes committed. Even if the State could show proof of exposing and bearing weapons/tools in the fashion as it is determined to pursue, the record already shows/proves Weaver "did not" threaten anyone. If he truly held a knife up behind a counter for no one to observe and pointed a Jack handle at a person exclaiming a ~~foolish~~ expletive, that would not show actual threat exist therein. No actual threats are shown. But only in all true realism can it be projected that Weaver possessed those items. It can now be proved and projected that Weaver did nothing of the sort that he is accused of. Datus admits in all essence his proximity at the time of his accusation towards Weaver and was the furthest distance from Weaver and ironically only physically existed behind Shamnehorn and Christer, who testified thoroughly that they did not witness the exposed knife. This quite clearly ~~exposes~~ Datus' perjury. And as the video and graphics will clearly show that Datus' ditch claims will show exemplary evidence of the inordinate idea within the laws of physics that will show inexplicable reasons for no reasonable reason to go to or near the ditch area. Therefore this actual replica video will expose 100% proof of Datus' four main perjuries and his unequivocal logic of his tainted mind.

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section
909#

Case 55021-1-II

10-66-20

Personal Restraint petition, Final reply

Aug/06/2019 Tue 09:53 PM, Fax #3604260567

Incident Report for case 19-14660.

declaration of probable cause. Mason County Sheriff's office.
Deputy D.E. Willard 1465# North patrol. interview of N. Datus
"Weaver un-sheathed a large knife from his side
and held it up in front of him between he and Datus
the clerk in a threatening manner." "No other people see". huh

Ref: Lisa Wood. Wed, Aug 21st 2019 05:13 PM

"Nathan states that he came up to the counter where the register
is which is about 4' feet tall. At this time Nathan is standing
about 18' feet from Sammy. He says he sees Sammy pull out a
10" inch fixed blade from its sheath on his right side. He
didn't see the handle because Sammy was holding it but
did clearly see the blade." (opine's about the inability to
see the handle but clearly sees the blade. (Why not describe
the highly prominent and individualistic characteristic
of the blade?) Gut Hook, black blade, efforescent neon
glow in the dark manufacturers logo marking.) on the blade)
He states that Sammy kept it under the ledge of the counter and
never verbally or physically threatened anyone with it.

Ref: Lisa Wood. Sun Sept 2nd 2019 08:21 PM

(Datus) He says he had it at his side under the counter for
maybe 2 minutes. Said he never threatened anyone verbally
but that he did have the knife at his side.

RP146, sent 4-5 trial testimony transcript. Nathan Datus/cross by Sergei
Q. Okay. And how long was the knife out? A. A couple seconds.

(over)

Ref: Lisa Wood. Tue, Sep 24th 2019 12:24pm. interview with Christen,
Says he never saw the knife out of the sheath. He never
verbally threatened anyone that he was going to use the
knife. Never held it up to anyone.

Ref: Lisa Wood Wed Aug 28th 2019 06:09pm. interview with Shammacher
called the manager to let Sammy speak with him. He says he did
that to keep Sammy there so the police would call him. He never
saw a knife. Sammy never threatened him verbally or with a knife.

Ref: Lisa Wood Aug 28th 2019 05:13pm interview with Datus.
But when the police were finally dialed he took off.

RP 144 sent 3-10 trial testimony transcript, Datus testimony. Datus states
He called the police soon as Weaver parked in the parking lot.

RP 149. Datus states helping other customers at the time in the store
RP 195-197. Christen states helping other customers at the time, helping a customer
RP 130. Shammacher states other customers in the store.
RP 165, 166. A Mercedes Q is there a reason why you didn't inter-
view the others? A. No particular reason.

Ref: Deputy D.E Willard 1405th Declaration of probable Cause
Pointed hand gun through open passenger side front window

Aug 6th 2019
09:53pm

Ref: Lisa Wood, Wed, Aug 21st 2019 05:13pm, interview with Datus,
pointed a black handgun at him through his drivers window.

Case # 54258-7-II
Case # 55021-1-II

Narrative

MASON COUNTY SHERIFF'S OFFICE
DECLARATION OF PROBABLE CAUSE

Case Number: 19-14660

Deputy D. E. Willard, 1405
North Patrol

Probable cause exists for the charging and/or arrest of the defendant Sammy B Weaver, [REDACTED] for the following charges. RCW 9A.46.020 Felony Harassment, RCW 9A.41.040 Unlawful possession of a firearm, RCW 46.61.022 Failure to obey officer and RCW 46.65.080. Driving while license Suspended. One count each based on the following fact and circumstances:

On this date Tue Aug 06 17:47:00 PDT 2019 the defendant Sammy Weaver was disgruntled over a car part that was not the correct fit for his vehicle. Although he had not gotten the part from the NAPA Auto Parts at 24230 NE State Route 3: Belfair he voiced that it was in some way their fault now that the part had damaged his vehicle. Weaver had previously come to the store to complain and had spoken by phone with the store manager.

During this first incident Weaver had reportedly brandished a large machete after becoming hostile and threatening to store employees. When Police arrived he ran on foot and eluded them in a nearby forested area. Tonight he returned to the store and again quickly became hostile with the person working the counter Nathan J Datus, [REDACTED], and his assistant Christopher J Schamerhorn, [REDACTED].

Next after yelling and arguing for ten or so minutes Weaver was asked numerous times to leave the business and both by word and conduct was refusing to do so. As the employees became more insistent Weaver un-sheathed a large knife from his side and held it up in front of him between he and Datus the clerk in a threatening manner as he was screaming at them. Weaver was told by a number of employees to put the knife away and to leave the premises. Again after a prolonged amount of time and argument he left getting into a green mini van leaving the property.

Weaver drove across the street to the McDonalds Restaurant parking and then headed back towards the auto parts. Employee Datus ran out to the front of the lot to get a good description of Weaver's vehicle and to see what direction he was taking as he left. Datus reports that as Weaver was driving towards the street and passing by him he saw him pull up a handgun in his right hand and point it directly at him through the open passenger side front window. no hit the ground, ditch

At this point Sheriff Sgt LaFrance was just arriving and was able to pull in behind Weaver as he left southbound on State Route 3. For further description and details of this incident see completed supplemental reports under this case. Weaver's vehicle was impounded and secured pending the application and issuance of a search warrant that will be applied for by Mason County Detectives in the morning 08/07/19.

No further at this time. Reports forwarded to County Prosecutor for adjudication.

Law Enforcement position on release: Would the safety of an individual or the public be threatened if the suspect is released on bail or recognizance?

Yes [X] No []

RECEIVED
OCT 16 2020
CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts and attached arresting agency affidavit are true and correct to the best of my knowledge (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

Dated: Tue Aug 06 21:52:34 PDT 2019

Name/Per#: D.E. Willard, 1405

Signed in Mason County, Washington by:

Signature of Deputy

Supervisor

Responsible LEO:

Approved by:

Date

case # 54258-7-II
case # 55021-1-II

Ref. Support: 7110, 909#, 202#

Lisa Wood <*****@gmail.com>
private investigator for public Defenders,
to Ronald

Wed, Aug 21,
2019, 5:13 PM

I went to Napa in Belfair today. 8.21.19 I spoke with Nathan Datus. He stated that he had dealt with Sammy the previous week. That he had come in and asked about a dirty oil filter that he had found. He was wanting to use it on his GFs car. Nathan suggested he didn't cause it was so dirty. But he did. Fast forward to the incident, he comes back and is belligerent with everyone angry saying they sold him synthetic oil that ruined his GF car. And wants them to buy him a new motor. Nathan states that he came up to the counter where the register is which is about 4 feet tall. At this time Nathan is standing about 18 ft from Sammy. He says he sees Sammy pull out a 10 inch fixed blade from his sheath on his right side. He didn't see the handle because Sammy was holding it but did clearly see the blade. He states that Sammy kept it under the ledge of the counter and never verbally or physically threatened anyone with it. But when the police were finally dialed he took off and so did his GF who was driving a little red mini cooper and there was 3 people in her car. Nathan ran out to get a vehicle description on Sammy's car for dispatch. As he was out there Sammy pointed a black hand gun at him through is drivers window with his right hand. Holding the steering wheel with his left. At which point Nathan yelled "gun" and dove in the ditch.

There is 3 very nice looking cameras on the property. 2 outside the entrance and one inside above the registers. HOWEVER, they do not work. lol So I strongly suggested they get some real ones!!! I left my card for the other man mentioned in the report. Christopher Schamerhorn. He also gave me both their numbers if we need to contact them.

Lisa Wood <*****@gmail.com>

Mon, Aug 26,
2019, 2:54 PM

to Ronald

ok, I called that Steve guy back. I felt like I needed a little more information to clear up. His name is Steve Abels and he is the executive director at North Mason Resources. He does recall seeing Sam working on the lady's blue mini cooper about 2 weeks ago or so. He says he thinks her first name is Ran. But that's all he knows. He says the last time he saw her was last Tuesday or Wednesday and they sent her to the Social Security office. He wants to be helpful and they are rooting for Sam. He said he pass my number along to the other councilors incase she comes in to have her call me.

Ref. Support: 7110

Mon, Aug 26,
2019, 2:42 PM

Lisa Wood <*****@gmail.com>
to Ronald

I received a call yesterday from that Steve guy. He said he doesn't want to get involved too much. He says their policy is to stay neutral when it comes to these things. He has seen the lady off and on. That she comes around for just a few days and then takes off. He hasn't seen her in at least a week. He said that Sam has mentioned his house but doesn't know anything about it or where its at. And doesn't want anything to do with it. He said if we needed get ahold of him to please contact him through the number we originally did. (He called from his personal cell)
Sorry, I forgot to update you this weekend on it.

Lisa Wood <*****@gmail.com>
to Ronald

Sun, Sep 8,
2019, 3:58 PM

I did speak with the owner Ken Price.... He is the one that I saw while I was at the Belfair location. He did verify that they are just decoy cameras. He said he was looking into installing working ones in the near future.

Lisa Wood <*****@gmail.com>
to Ronald

Wed, Aug 28,
2019, 6:09 PM

I went back to belfair Napa. I spoke with the manager who confirms he spoke to Sammy the day of the incident on the phone. He says they had agreed that Sam would come back the following day. Also Chris says yes, he called the manager to let Sammy speak with him. He says he did that to keep sammy there so the police would catch him. He never saw a knife. Sammy never threatened him verbally or with a knife. I also spoke with another employee who had dealt with Sammy during the week leading up to the incident. So the only person I need to speak with is Nathan. The one who called 911. I spoke to him once already but id like to clarify a few things. I got names and phone numbers of the 3 I spoke with. I spoke with them separately in an office individually.

Ref Support: 7110 #

Lisa Wood <*****@gmail.com>

Sun, Sep 8,
2019, 8:21 PM

to Ronald

just wanted to update you on Nathan. Hes the one I spoke to originally. He called this in to 911. He says that Sammy pulled the knife out of the sheath after about 10 minutes of arguing. He says he had it at his side under the counter for maybe 2 minutes. Once he was handed the phone to speak with the manager he put it back in its case on his right side. I asked him how sure he was about seeing a gun outside while he was driving by him. He stated 50\50. Originally when I spoke to him he said he couldn't remember what he said to him as he pointed what he thought to be a gun. This time he said, Fuck you, mother fucker. Said he never threatened anyone verbally. but that he did have the knife at his side. Did we get the 911 call? I don't recall listening to it?

Lisa Wood <*****@gmail.com>

Tue, Sep 24,
2019, 12:24 PM

to Ronald

Just spoke to Micheal Christen from Napa. He says Weaver came in the door mad. He was told to leave by Chris. He was told he wasn't welcome there. Says a call was made to the manager on Chris's personal cell phone. (conflicting information) his understanding the point of that phone call was to reiterate that he wasn't welcome there. He said he was on the employee side of the counter. And to Sammy's left. He told him to keep his hands off the huge knife on his right hip. Says he never saw the knife out of the sheath. He never verbally threatened anyone that he was going to use the knife. Never held it up to anyone. Doesn't know if he was ever trespassed for sure. he thinks he was previously.

Lisa Wood <*****@gmail.com>

to Ronald

Mon, Sep 30,
2019, 10:57 AM

I stopped in the jail and had Sammy listen to the 911 call. He asked what the guy was talking about when he referenced another case #. So I explained that dispatch had been called the week prior. I had that information from the first time I went up there. So I send an email to Jann at Macecomm. Not sure if it'll work. But I asked if I could get that 911 audio and any reports related to that case # expedited. I am curious who made that call. Interesting if Nathan did also. Cause both Brian who saw him that day he allegedly had the machete and Sammy say there was no verbal contact made between anyone so why was 911 called.??? Anyways, I'll keep you posted.